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REMARKS

This communication is intended as a full and complete response to the non-final Office Action mailed October 19, 2005. In the Office Action, the Examiner notes that Claims 1-5, 7-15 and 17-21 are pending and rejected. By this response, the claims continue unamended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

35 U.S.C. §102(b) Rejection of Claims 1-5, 7-15 and 17-21

The Examiner has rejected Claims 1-5, 7-15 and 17-21 under 35 U.S.C. §102(b) as being anticipated by Egawa et al. (5,534,944, hereinafter "Egawa"). The rejection is respectfully traversed.

Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. The Egawa reference fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, the Egawa reference fails to teach or suggest at least the "wherein the requisite degree of matching between the second encoding profile and the first encoding profile is selected such that the spliced video stream can be decoded without producing visible artifacts on a display during or after a transition from a first compressed video stream portion of the spliced stream to a second compressed video stream portion of the spliced stream" as recited in claim 1.

The Egawa reference discloses a method of splicing two compressed video signals (see abstract). However, the Egawa reference is not concerned with splicing the two compressed video signals to enable decoding a spliced stream without

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producing visible artifacts. Instead, the method of the Egawa reference is directed to ensuring that no video data is lost during the decoding process. For example, the Egawa reference discloses (emphasis added below):

"This invention concerns the processing of video signals encoded according to the standard adopted by the Moving Picture Experts Group (MPEG) and in particular, a method of splicing an MPEG encoded data stream from a first source to an MPEG encoded data stream from a second source in a manner that ensures that no video data is lost when the combined image is reproduced." (column 1, lines 9-15)

More specifically, the Egawa reference discloses the method of splicing is directed to ensuring that an input buffer does not underflow or overflow (see column 1, line 65, to column 2, line 35 for discussion in the Egawa reference concerning buffer underflow and overflow). To this end, the Egawa reference discloses selecting a number of padding bits to ensure that the input buffer does not overflow or underflow, as follows (emphasis added below):

"The sequence STREAM2 is to be inserted into the sequence STREAM1 at time T_i , immediately after access unit AU1. If the maximum input buffer size used by this example is 1000 then, if STREAM2 were inserted into STREAM1 at time T_i , then the buffer would overflow before the VBV buffer size (i.e. 500) for STREAM2 had been reached. To prevent this from occurring, the method according to the present invention inserts a number, NSTUFF, of stuffing bits between the AU1 at time T_i and the start of STREAM2. This is indicated by the dashed line in FIG. 2a. Thus, after T_i , instead of following the solid line, the buffer fullness for the MPEG bit stream follows the dashed line. The values T_{last} , DTS1, T_{next} , DTS_{next} and DTS2 are used, as described below to calculate the optimal value for NSTUFF. While the stuffing bits are being inserted into the data stream, no new data is added to the buffer. New data, representing the inserted sequence is added when the slope of the dashed line is non-zero." (column 4, lines 40-57);

and also as follows (emphasis added below):

"At step 622, the process ends. The inventors have determined that if this number of stuffing bits are added before the inserted sequence STREAM2, there will be no overflow of the input buffer when the data stream is received." (column 7, lines 1-4).

Thus, the Egawa reference discloses splicing two compressed video signals in a manner to ensure that no video data is lost while decoding the spliced stream, and to do

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this discloses inserting a predetermined number of stuffing bits before the start of the second signal in the spliced stream. However, the Egawa reference fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent Claim 1, because the Egawa reference fails to teach or suggest at least the "wherein the requisite degree of matching between the second encoding profile and the first encoding profile is selected such that the spliced video stream can be decoded without producing visible artifacts on a display during or after a transition from a first compressed video stream portion of the spliced stream to a second compressed video stream portion of the spliced stream".

The Examiner has alleged that the Egawa reference provides a teaching of selecting a requisite degree of matching such that the spliced video stream can be decoded without providing visible artifacts (see pages 2-3 of the 10/19/05 Office Action). However, the Applicants respectfully note that the Examiner has provided no evidence of such a teaching by way of citing a particular portion of the Egawa reference. Furthermore, the Applicants respectfully submit that there is no portion of the Egawa reference that provides such a teaching.

If the Examiner maintains his allegation, the Examiner is respectfully requested to provide a citation to the appropriate portion of the Egawa reference that provides the alleged teaching. See MPEP 707, which recites:

"In accordance with the patent statute, "Whenever, on examination, any claim for a patent is rejected, or any objection . . . made," notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given.

When considered necessary for adequate information, the particular figure(s) of the drawing(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included. For rejections under 35 U.S.C. 103, the way in which a reference is modified or plural references are combined should be set out."

Thus, the Egawa reference fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent Claim 1.

As such, claim 1 is not anticipated by Egawa and is patentable under 35 U.S.C. §102. Furthermore, since Claims 14 and 21 include relevant limitations similar to those

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discussed above in regards to Claim 1, Claims 14 and 21 are also not anticipated by Egawa and are patentable under 35 U.S.C. §102. Moreover, Claims 2-5, 7-13, 15, and 17-20 depend, either directly or indirectly, from independent Claims 1 and 14, and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Egawa and are patentable under 35 U.S.C. §102.

CONCLUSION

Thus, Applicants submit that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi at (732) 383-1405 or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1/17/06

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